

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** October 26, 2006

**JUDGES**

Leonard Davis

**REPORTER:** Shea Sloan

**LAW CLERKS:** Andrea Houston, Nicole Michell, Jennifer Liotta

<b>z4 TECHNOLOGIES, INC.</b> <b>Plaintiff</b>	<b>CIVIL ACTION NO: 6:06-CV-258</b>
<b>vs.</b>	<b>STATUS CONFERENCE &amp; MOTION HEARING</b>
<b>MICROSOFT CORPORATION, et al</b> <b>Defendant</b>	<b>(Dkt #26 - Motion to Stay)</b>

<b>ATTORNEY FOR PLAINTIFF</b>	<b>ATTORNEY FOR DEFENDANT</b>
Johnny Ward (Ward Firm). Ernie Brooks (Brooks & Kushman) John Le Roy (Brooks & Kushman)	John Bustamante (Fish & Richardson) Matthew Bernstein (Fish & Richardson) Seth Sproul (Fish & Richardson) Jennifer Ainsworth (Wilson Firm) Mike Jones (Potter Minton)

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 2:03 pm

**ADJOURN:** 2:20 pm

<b>TIME:</b>	<b>MINUTES:</b>
2:03 pm	Case called. Mr. Brooks, Mr. LeRoy & Mr. Ward announced ready for plaintiff. Mr. Dave Colvin also present. Mr. Sproul, Ms. Ainsworth, Mr. Jones, Mr. Bernstein & Mr. Bustamante announced ready for defendants.
2:04 pm	Court addressed the parties.
2:04 pm	Mr. Brooks addressed the Court on the Motion to Stay.
2:05 pm	Mr. Bernstein responded and there is no issue with Autodesk. Mr. Bernstein further addressed the Court. Court addressed the parties on the injunction and Microsoft's persuasive argument as to phasing out the products. Court is concerned in the equivocation in the papers and expounded on the Court's reasons for ruling on the injunction. Court asked where Microsoft is as to redesign around the infringement. Mr. Bernstein responded.

**DAVID J. MALAND, CLERK**

**FILED: 10.26.06**

BY: *Rosa L. Ferguson*, Courtroom Deputy

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TIME:	MINUTES:
2:10 pm	Court addressed Mr. Bernstein on the design around. Mr. Bernstein indicated that the landscape has not changed. He has a “white paper” to tender to Mr. Brooks. Mr. Brooks asked to see the white paper and asked to clarify on the design around. Mr. Bernstein responded. Mr. Brooks responded. Court addressed the parties and agrees we are in uncharted territory. What would be the prejudice for limited discovery and a 30b6 deposition? Mr. Bernstein responded and the only prejudice would be the timing as they are working on release of the new products. <b>Court will deny motion to stay</b> and see if the white paper is satisfactory and if not, pursue non-intrusive discovery and depositions. Mr. Brooks responded and would wait until product is released. Mr. Bernstein responded.
2:20 pm	There being nothing further, Court adjourned.